IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

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PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 27081 of 1999

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Between:

1. K. Nooka Raju, S/o. Narayana
2. V. Nageswara Rao, S/o. Simhachalam
3. D. Nagamani, W/o. Laxmana Rao,
4. D. Saibaba, S/o. Venkanna

(All are resident of Payakaraopeta Village and Mandal, Visakhapatnam District)

..... PETITIONERS

AND

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1. The Executive Officer, Payakaraopeta Gram Panchayat, Payakaraopeta, Visakhapatnam District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the inaction of the respondent in not considering the applications of the petitioners for renewal of their leases and in not convening a meeting of Gram Panchayat to consider their applications is highly arbitrary, mala fide, contrary to law and consequently direct the respondent to consider the applications of the petitioners for renewal of their leases as per G.O.Ms.No.53, dated 2.2.1966.

Counsel for the Petitioners: MR.C.RAMACHANDRA RAJU

Counsel for the Respondent: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following ORDER:

The petitioners are the lessees of shops belonging to Payakaraopeta Gram Panchayat. The lease was renewed by the Gram Panchayat once in three years. However, after the expiry of lease on 31-3-1999 the lease was not extended in accordance with G.O.Ms.No.53, dated 2-2-1966 under the A.P. Panchayat Raj Act, 1964 for a further period of three years. Alleging that the respondent making hectic efforts to evict them by 31-12-1999, they filed the present writ petition seeking a direction to the respondent for consideration of their applications for renewal of lease.

This court while admitting the writ petition on 31-12-1999 granted interim directions for a period of four weeks only. Subsequently by order dated 12-10-2000 this court extended the interim order until further orders. Even according to the petitioners they are claiming renewal of lease for a period of three years, which expires by 31-12-2002. In that view of the same, the prayer has become infructuous. If the petitioners are eligible for further extension of lease, their case shall be considered by the Gram Panchayat keeping in view G.O.Ms.No.53 dated 2-2-1966 as well as the orders of this court in W.A.No.1421 of 1999 dated 30-9-1999.

The Writ Petition, with the above observations, is accordingly disposed of. No costs.

V.V.S. RAO, J.

24th August, 2004

Js

To

1. The Executive Officer, Payakaraopeta Gram Panchayat, Payakaraopeta,

Visakhapatnam District.

2. 2 CCs to G.P. for Panchayat Raj & Rural Development, High Court Buildings, Hyderabad. (OUT)

3. 2 CD copies.